



Austin City Council MINUTES

For JUNE 7, 1984 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Mullen called to order the meeting of the Council, noting the absence of Councilmember Spaeth.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved the minutes for regular meeting of May 3, 1984 and special meetings of May 23, 1984 (4:30 p.m. and 5:30 p.m.) (4-0 Vote, Councilmember Spaeth absent, Mayor Pro Tem Trevino & Councilmember Urdy not in room.)

BOND ISSUE

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, accepted the bid of Morgan Guaranty of 10.178154 for the issuance of \$52,000,000 "City of Austin, Texas, Public Improvement Bonds, Series 1984", dated July 1, 1984. (4-0 Vote, Councilmember Spaeth absent, Mayor Pro Tem Trevino & Councilmember Urdy not in the room.)

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance of \$52,000,000 "City of Austin, Texas, Public Improvements Bonds, Series 1984, dated July 1, 1984. (6-0 Vote, Councilmember Spaeth absent)

PUBLIC OPINION SURVEY

Mr. Jerry Blount, representing Austin Jaycees, presented to Council the results of the Austin Transportation Public Opinion Survey conducted by the Jaycees.

CONVENTION CENTER

Mr. Jay F. Powell discussed the Convention Center Feasibility Study. He said it is feasible to expand on both sides of the river.

INNER CITY DEVELOPMENT ORDINANCE

Ms. Natalie deBlois appeared before Council to discuss issues of Inner City Development Ordinance, in particular the exemption of John McIntyre at 808 West 29th Street,

Lonnie Davis, Director of Building Inspection, said he does not think the developer misrepresented his intentions before Council. There was discussion of the map and calculations and Jorge Carrasco, City Manager, said he will review the process and bring a report back to Council.

CONSENT ORDINANCES

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Spaeth absent)

CIP

Amended the 1983-84 Capital Improvements Program by:

- a. Appropriating \$1,600,000 from Wastewater Capital Recovery Fees and \$700,000 from the Water and Wastewater Utility Ending Balance to the Williamson Creek Wastewater Treatment Plant for additional wastewater treatment capacity.
- b. Increasing the Electric CIP Transfer by \$12,453,000 and appropriating these additional funds for key transmission projects.
- c. Appropriating \$214,600.00 for the construction of improvements to the Intersection of the FM 1825 connection of Wells Branch Parkway on Interstate Highway 35.

DEED CONVEYANCE

Authorized the City Manager to convey by Special Warranty Deed land erroneously describing Oakhill Pump Station, formerly owned by Water District #9, in exchange for corrected deed and acceptance of an ingress-egress easement.

Site Plan Revision

Granted approval of revision to the site plan previously approved for the Austin Commons Joint Venture Planned Unit Development under Ordinance No. 821104-F, an amendment to Chapter 13-2 of the Austin Code of 1981.

Annexation

Approved an ordinance annexing approximately 6.48 square miles of inundated land of Lake Travis in Travis County, Texas. (C7a-84-004)

Pavement Assessment Hearing Set

Ordered and set a hearing at 4:00 p.m., July 19, 1984 in connection with paving assessments to be levied on Walsh Tarlton Lane, consisting of one unit covering approximately 5 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 81/62-24.

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

- | | | | |
|--------------------------------|--|---|--|
| a. | HIGHLAND
HOSPITALITY, INC.
By Howard Brunson
C14-83-066 | 803-809 Tirado
also bounded by Middle
Fiskville Road | From "C" 1st H&A
to "C" 3rd H&A |
| b. | CITY OF AUSTIN
C14-73-253 (part) | 9101 Burnet Road | From Interim "A" 1st H&A
to "D" 1st H&A |
| EMERGENCY PASSAGE OF ORDINANCE | | | |
| c. | JOSE MERCADO
C14-83-306 | 2706 Wheless | From "A" 1st H&A
to "BB" 1st H&A |
| d. | AUSTIN MALL COMPANY
By Jerry L. Harris
C14r-83-294 | 2735-2801 Capital of
Texas Hwy., South, 2705-
2717 Walsh Tarlton Lane | From Interim "A" 1st H&A
to "O-1" 1st H&A |
| e. | C. B. CARPENTER,
TRUSTEE
By Jerry L. Harris
C14r-84-058 | 4012 South I.H. 35 | From Interim "AA" 1st H&A
to "LR" 2nd H&A |

EMERGENCY PASSAGE OF ORDINANCE

ZONING - (Continued)

- f. TEXAS VILLAGE, INC. 112 Havana Street From "A" 1st H&A
SHENG-ING CHEN, to "C" 1st H&A
TRUSTEE
C14-84-035
- g. DAN H. MARSHALL, II 916 Capital of Texas From Interim "AA" 1st H&A
& WINFRED M. Highway to "O-1" 1st H&A
CAMILLERIA
By Desiree Pedreschi
C14r-83-263
- h. FIRST UNITED Rear of 200 Block W. 12th From "B" 2nd H&A
METHODIST CHURCH Street to "C" 3rd H&A
By Jim Spence
C14-84-044
- i. GEORGE J. GOGONAS 3911 Manchaca Road From "A" 2nd H&A
By John Gogonas to "O" 1st H&A
C14-84-037
- j. CARSON & ASSOCIATES, 7008-7302 Johnny Morris From Interim "AA" 1st H&A
INC. Road to "A" 1st H&A
By William T. Carson
C14-84-043
- k. CITY OF AUSTIN 1100-1128 W. 5th Street From "C" 3rd H&A
C14-84-030 to "C" 2nd H&A
- l. JIM RUNNELS & 4309 & 4311 S. First From "A" 1st H&A
VINCENT FLORES Street to "O-1" & "LR" 1st H&A
By Steve Erickson
C14-84-049
- m. WOODLANDS OF TRAVIS 2722-2916 Capital of From Interim "AA" 1st H&A
P.U.D. Texas Highway to P.U.D.
By Joe Friesenhahn
C814-83-020
- n. CITY OF AUSTIN 12885 U.S. 183 From Interim AA 1st H&A
PLANNING DEPT. to "GR" 1st H&A
C14r-84-224
- o. PCP OPERATION CO. 11149 Research Blvd. From "GR" 1st H&A to
By Cityscape, Inc. "GR" 2nd H&A
C14r-83-295

EMERGENCY PASSAGE OF ORDINANCE

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Spaeth absent)

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tracts of land:

- a. A 3,481 square foot tract of land out of Lots 7 & 8, Gullett Gardens No. 3 for the Boggy Creek Drainage Improvements Project. (Alfredo E. Segura, et ux Lora T. Segura, owners)
- b. 29.28 acre tract for the F.M. 812 sanitary landfill. (Robert C. Carr, owner)

Release of Easements

Authorized release of the following easements:

- a. 2.5' of the 20' Public Utility Easement on Lot 48, Twin Mesa Subdivision, 4508 ... Drive. (This request has been submitted by MCC Construction, Inc.)
- b. 7.5' Public Utility Easement on Lot 8, Block C, Kramer Lane 65, 2214 Braker Lane. (This request has been submitted by Baker-Aicklen and Associates on behalf of Crow-Gottesman-Hill #3)
- c. The 7.5' Public Utility Easement along the South property line of Lot 8, Breedlove Subdivision, 3300 Breedlove Court. (This request has been submitted by Mr. Anthony Spears)

License Agreements

Approved entering into the following License Agreements:

- a. To allow the encroachment of a fence into the alley right-of-way at the rear of 1612 Hether Street. (This request has been submitted by Mr. James M. Grant on behalf of his client, Ms. Linda Sue Davis)
- b. To allow the encroachment of subsurface concrete piers into the public right-of-way of E. 9th St. (200 Block) E. 9th St. Alley (200 Block) and San Jacinto Street (900 Block) adjoining Lots 2 thru 6, Block 112, Original City of Austin (206 E. 9th Street). (This request has been submitted by Professional Development Management on behalf of Commodore Capital Corp.)

Change Orders

Approved the following change orders:

- a. In the amount of \$48,112.60 to Austin Road Company, for Braker Lane Street and Drainage Improvements. (1.19% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 80/62-01
- b. In the amount of \$15,329.75 to Austin Road Company, for Congress Avenue Improvements 1982. (0.57% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM Nos. 83/17-02 & 83/22-04

Contracts Approved

- a. MIRANDA CONSTRUCTION COMPANY (MBE) - CAPITAL IMPROVEMENTS PROGRAM -
5214 Burleson Road #403
Austin, Texas
South First Street Corridors,
Phase VI, Sidewalk Improvements,
Public Works Department -
\$18,740.99 C.I.P. Nos. 83/62-19
& 83/22-04
- b. MSI OF HOUSTON, INC. - CAPITAL IMPROVEMENTS PROGRAM -
P. O. Box 19545
Austin, Texas
Holly Chemistry Laboratory,
Turbine Floor and Security
Improvements, Public Works
Department - \$447,761.00
C.I.P. Nos. 81/12-01, 77/11-02
- c. ROBERT JENTSCH CONSTRUCTION CO. - CAPITAL IMPROVEMENTS PROGRAM -
P. O. Box 3343
Austin, Texas
Wastewater Disposal System
Improvements for Decker Power
Generation Facility, Electric
Utility Department - \$136,881.40
C.I.P. 79/12-01
- d. B & B LANDCLEARING CO. Inc. - CAPITAL IMPROVEMENTS PROGRAM -
1212 Old Bastrop Hwy.
Austin, Texas
Installation of underground
electric distribution facilities
for Milwood Section 13 Subdivis-
ion, Electric Utility Department -
\$30,280.70 No. 83/15-01
- e. B & B LANDCLEARING CO. Inc. - CAPITAL IMPROVEMENTS PROGRAM -
1212 Old Bastrop Hwy.
Austin, Texas
Installation of underground
electric distribution facilities
for Austin Hills Section I, Phase
IA Subdivision, Electric Utility
Department- \$53,511.65 C.I.P. No.
83/15-01

CONTRACTS - (Continued)

- f. Bid award:
- CAPITAL IMPROVEMENTS PROGRAM - Disk Drive, Dual Port Kit, and Cables, Electric Utility Department - Total \$23,690.00 C.I.P. No. 75/11-01
 - (1) MIDWEST SYSTEM, INC. - \$16,450.00
12117 Riverwood Drive
Burnsville, Minnesota
 - (2) DIGITAL EQUIPMENT CORPORATION - \$7,240.00
6937 North IH-35
Austin, Texas
 - g. TEXAS A&M UNIVERSITY SYSTEM - Interlocal Cooperation Agreement to provide Energy End-Use Econometric Model, Electric Utility Department
Engineering Research Center
College Station, Texas
Eight (8) Month Contract
Total \$65,638.00 84-S283-LI
 - h. ELECTRIC POWER RESEARCH INSTITUTE - License Agreement and support for a computer software package, Electric Utility Department
Post Office Box 10412
Palo Alto, California
One (1) year contract
Total \$10,300.00 84-S245-IX
 - i. GENERAL ELECTRIC COMPANY - Single and Multiconductor Cable for control Cable-wiring changes at Holly, Decker and Seaholm Power Plants, Electric Utility Dept.
3101 Longhorn Boulevard
Austin, Texas
Items - 1-11 - \$14,559.78
84-0210-MB
 - j. BAILEY'S HOUSE OF GUNS, INC. - Revolvers, Austin Police Department
3626 Bluebonnet
Houston, Texas
Item 1, 36 ea. - \$6,752.88
84-0166-MB
 - k. VULCAN SIGNS - Traffic Signs & Markers, Water and Wastewater Department
400 E. Berry Avenue
Foley, Alabama
Items 1-26 - \$11,540.00 84-0185-DC
 - l. MARK ELECTRIC, INC. - Additional Electrical Circuit to Computer Room of Police Building, Police Department - \$5,660.00
P. O. Box 4902
Austin, Texas
84-C276-JJ

CONTRACTS - (Continued)

- | | | |
|----|--|--|
| m. | DEXTER INSTRUMENTS
P. O. Box 29185
San Antonio, Texas | - Reconstructive Surgery Microscope,
Brackenridge Hospital
Item 1 - \$51,035.00 BP4-1273 |
| n. | HEWLETT PACKARD
P. O. Box 32993
San Antonio, Texas | - Arrythmia Monitoring System,
Brackenridge Hospital
Item 1 - \$83,627.00 BP4-1272 |
| o. | AESCULAP INSTRUMENTS
P. O. Box 6000
San Francisco, California | - Craniotome Equipment, Brackenridge
Hospital
Item 1 - \$7,566.75 |
| p. | MEDIA SPECIALTIES, INC.
8234 Vicar Street
San Antonio, Texas | - Portable Lighting System, Parks
and Recreation Department
Item 1 - \$5,428.00 84-0250-JG |
| q. | GENE MORRIS
1422 Oak Hurst Road
Austin, Texas | - Tennis Pro-Manager at South Austin
Tennis Center, Parks and Rereation
Department
Twenty-eight (28) Month Contract
Total \$11,500.00 84-S212-LK |
| r. | INDUSTRIAL DISPOSAL SUPPLY CO.
1106 Paulsun
San Antonio, Texas | - Street Sweepers, Vehicle and
Equipment Services Department
Item SS-1 - \$205,350.00 84-0110-MB |
| s. | MAGIC OF TEXAS, INC.
9523 Burnet Road
Austin, Texas | - Auto Safety Glass, Glass Instal-
lation Kits, Installation and
Supplies, Vehicle and Equipment
Services Department
One (1) year period
Total \$13,544.00 84-S198-LK |

Water Approach Main

Approved the following water approach main:

- | | | |
|----|---------------|---|
| a. | THOMAS CURRAN | - Water approach main to include
approximately 12.98 acres of
commercial development for Ben
White/Montopolis tract. (City
cost participation of \$62,016.00) |
|----|---------------|---|

Grant Applications

Authorized the following grant applications:

GRANT APPLICATIONS - (Continued)

- a. Maintenance and Service Program of the Federal Emergency Management Agency (FEMA) in the amount of \$5,995.00.
- b. American Public Power Association in the amount of \$6,000.00 for the Demonstrate Energy Efficiency Developments Program.

Edwards Aquifer Recharge Zone

Approved entering into a contract with the United States Geological Survey of the Department of the Interior for a study to delineate the actual boundaries of the Edwards Aquifer recharge zone which supplies Barton Springs. (City 1983-84 share \$21,500, 50/50 joint funded.)

Notification Policy for Street/Alley Vacations

Approved a notification policy for street/alley vacations.

Relocation of Shuttle Bus Stops

Authorized the University of Texas to relocate the shuttle bus stops as follows:

<u>Route</u>	<u>From</u>	<u>To</u>
ER	North side of W. 15th Street west of Rio Grande	West side of Nueces Street north of West 15th Street
ER	South Side of W. 15th Street west of Nueces	South side of W. 15th Street east of Nueces
CC	East side of Guadalupe at 25th	South side of W. 26th Street

Relocate a portion of the EC (East Campus) route from the section of East Campus Drive between Red River Street and Manor Road to the section between Red River Street and East Campus Drive; to establish new shuttle bus stops on Manor Road near the entrance to the Sid Richardson Building parking lot and at East Campus Drive and Manor Road; and to temporarily reroute the inbound IF (Intramural Field) from south along Speedway from E. 30th Street, to turn east at E. 30th and Speedway, continue on E. 30th to San Jacinto and then onto the campus; and to eliminate the IF stops at E. 26th and Speedway and establish new stops on San Jacinto at E. 26th (southeast and southwest corners).

June 7, 1984

Connection of Wells Branch Parkway

Authorized an agreement with the State Department of Highways and Public Transportation for the construction of the intersection at FM 1825 for connection of Wells Branch Parkway onto Interstate Highway 35.

Standard Rehabilitation Loans

Approved CDBG funds for Standard Rehabilitation Loans in the following amounts and authorize staff to enter into appropriate contracts:

- a. Fulford Construction - \$14,200
- b. Texas Western Associates - \$10,089
- c. Installations by Alba (MBE) - \$11,500
- d. Chapa Construction (MBE) - \$19,250
- e. Chapa Construction (MBE) - \$19,850
- f. Installation by Alba (MBE) - \$17,000
- g. Mastercraft Construction - \$18,700
- h. Fulford Construction - \$19,809
- i. Mastercraft Construction - \$10,367

Public Hearings Set

Set public hearings on the following:

- a. 284 Unit Multi-Family Financial Project proposed by Savage 1 Enterprises, Chevy Chase South, LTD, #1.: June 14, 1984 at 1:45 p.m.
- b. Amendments to Chapter 13-2 (Zoning Ordinance) of the Austin City Code to define "Mirrored Glass" in the Loop 360 Ordinance: June 28, 1984 at 3:00 p.m.
- c. Delete the 3:1 setback ratio in the Second Height and Area District: June 28, 1984 at 5:00 p.m.
- d. Northwest Austin MUD's 1, 2, & 3: June 28, 1984 at 5:30 p.m.
- e. Modifications to Article III, Chapter 8-7 of the City Code (Taxicab Ordinance), Taxicab Franchise Applications/Renewals with permits and application for additional taxicab permits: June 28, 1984 at 3:30 p.m.
- f. Granting ARA Transportation, Inc. a franchise to operate the UT Shuttle Bus System: June 14, 1984 at 5:00 p.m.

COAL PLANT

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, voted not to have a coal plant at Decker Lake. (6-0 Vote, Councilmember Spaeth absent.)

STATUS REPORT - WILLIAMSON CREEK PLANT

Jim Thompson, Water and Wastewater Department, presented a status report on the Williamson Creek Plant. He said pond levels have had no significant change and the treatment plants will be ready for use not later than August 1, 1984.

WALNUT CREEK INTERCEPTOR

Jim Thompson reported on Walnut Creek Interceptor. He said it is expected to be completed early in 1986 but the City has to get several easements.

ELECTRONIC METER READING

Joe Mangum presented the City Manager report on Electronic Meter Reading. He said the system would give better service, save City money and perform audits in the field. Jorge Carrasco, City Manager, said the system, after the first year, would save the City about \$50,000 a year.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, adopted a resolution approving the following contract: (6-0 Vote, Councilmember Spaeth absent)

DATAMATIC, INC.
670 International Pkwy., Suite 180
Richardson, Texas

- Electric Meter Reading System
Utility Customers Service
Office
Total \$306,800 84-S111-LK

CITY MANAGER REPORT - APPROACH MAIN APPROVAL & ANNEXATION

Terry Childers, Assistant City Manager, reported on approach main approval and annexation.

CONVENTION CENTER

City Manager Carrasco reported on the Convention Center. He said the City can consider sites other than the current site and take under consideration the market draw and the impact on the neighborhood. A general development contract can be prepared and a construction plan devised.

Mayor Pro Tem Trevino reminded Council that the City is committed to the present location site.

Joe Jerkins, said the only financially feasible site is the current one and urges the building of the convention center.

Jay Powell favors a feasibility study for a new site.

David Elliott feels the convention center should be north of the present location.

ITEM TO BE BROUGHT BACK

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved bringing the following item back on June 14, 1984 at 2:00 p.m.: (6-0 Vote, Councilmember Shipman out of the room, Councilmember Spaeth absent.)

Third reading of an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following change:

JOHN S. LLOYD	5801 Salton Drive	From Interim "AA" 1st H&A
By John H. Doonan		To "AA" 1st H&A
(Tract 1)		
C14-83-344		

BRICKS FOR SYMPHONY SQUARE

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, approved the request of Ms. Pauline Camp of Symphony Square for 1760 Congress Avenue bricks for an additional walk to the entrance of Doyle House. (6-0 Vote, Councilmember Spaeth absent.)

LIQUOR LICENSE

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved the request of Mr. Steven Gary Weinkle for a liquor license within 300 feet of a church located at 2270 Guadalupe. (5-1 Vote, Councilmember Shipman voted No, Councilmember Spaeth absent)

TASK FORCE FOR BICYCLE CONFERENCE

Mr. Jay Stokes Jr. requested Council to pass a resolution establishing a task force for the 1985 Ten State Mountain/Plains Bicycle Conference which will be held in Austin September 4-8, 1984.

Motion

The Council, by acclamation, approved the following appointments to the Task Force for the 1985 Ten State Mountain/Plains Bicycle Conference: (6-0 Vote, Councilmember Spaeth absent)

Joyce McAlister Steve Volski Kathy Walters	PLANNING
Eyna Zarate Irene Herrera	FINANCE
Donovan C. "Connie Miller, Attorney Joe Kunesh Officer Jesse Vasquez	SPONSORSHIPS
Ann Kovich John Bartle Bud & Annie Melton - Dallas	WORKSHOPS
Ester Matthews Harry Webster	REGISTRATION
Jay Bond Dan Martin Rey Gaytan	EXHIBITS
Dan Martin	FACILITIES
Lynn Carter Ed Spurlock	SPECIAL EVENTS
Jim Ellinger Ed Spurlock Bud & Annie Melton	PROMOTION & PUBLICITY
Joyce McAlister Irene Herrera Jesse Vasquez	CONFERENCE PACKETS
Amelia Pineda Kenneth Giusti	

SHEPHERD'S MOUNTAIN

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved the request of Mr. T.J. "Jack" Morton for an exemption from Section 13-2-24(b) of the Austin City Code to allow amendment to the site plan of the property known as Shepherd's Mountain as required by the drainage plans prepared for this site. (5-0 Vote, Councilmember Shipman out of the room, Councilmember Spaeth absent.)

SOUTHWEST MUD NO. 1,2,3,4

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, approved the request of Mr. Gary Bradley for approval of the revised land use Master Plan of Southwest Austin Municipal Utility District No. 1, 2, 3, 4. (5-0 Vote, Mayor Pro Tem Trevino abstained, Councilmember Spaeth absent.)

PUBLIC HEARING - STREET VACATION

Mayor Mullen opened the public hearing set for 3:00 p.m. on vacation of a portion of Dancy Street and Youngquest Drive as requested by the University of Texas, C10V-84-008.

Mr. Joe Morahan, Assistant Director, Public Works, reviewed the request.

Buster Farrow asked that the City not approve closing the street until it is needed.

Dr. Walsh said plans are in the preliminary stage and asked that construction not be started until next spring.

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Dancy Street and Youngquist Drive, C10V-84-008. (6-0 Vote, Councilmember Spaeth absent)

ZONING HEARINGS

Mayor Mullen announced Council would hear zoning cases scheduled for 4:00 p.m. Council heard, closed the public hearing, and approved the following and requested the City Attorney to draw up the necessary ordinances:

C14-84 097	JAY TAPP (Principle Partner) By John B. Harris	2150-2450 E. St. Elmo Road	From Interim "AA" 1st H&A To "DL" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
		<u>EMERGENCY PASSAGE</u>	
C14-84 101	SCHNEIDER/KING INVESTMENTS By T. J. Morton	700-702 South First Street	From "A" 1st H&A To "O" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 r-84 103	TEXAS HERITAGE JOINT VENTURE No. II By William H. Bingham	12801 Burnet Road	From Interim "AA" 1st H&A To "GR" & "C-1" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
		<u>EMERGENCY PASSAGE</u>	
C14 -84 106	COFFEE AND CRIER, INVESTMENT	506 Oakland Avenue	From "A" 1st H&A To "O-1" 1st H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED</u>
C14 -84 114	CITY OF AUSTIN PLANNING DEPT.	7809-7812 Copperas Drive 4603-4614 Claeno Dr. 7900-8107 Tiffany Dr. 7900-8022 Manzanillo 4306-4325 Manzanillo 4600-4704 Tabago Cove 4600-4714 Saloma Place 4500-4707 Sam Simeon Drive 4400-4517 Kalama Drive 4500-4714 Velasco Place 4600-4703 Molera Drive 4500-4708 Alta Loma Drive, 4500-4613 Galapagos Drive, 4400-4405 Goleta Court, 8102-8505 Maui Dr., 4300-4305 Taloga Court, 8100-8207 Cacho Drive, 8200-8501 Washita Drive, 8300-8301 Horton Trail,	4600-4614 Caymen Place, 4400-4522 Keota, 8004-8511 Copano, 4104-4405 Alexandria, 4200-4205 Tile Cove, 4300-4307 Maui Cove 4100-4106 Cacho Cove, 8004-8501 Los Ranchos, 7901-8401 Latta Drive

(On Mayor Pro Tem Trevino's motion, Councilmember Shipman's second,
6-0 Vote, Councilmember Spaeth absent.)

ZONING - (Continued)

C14-84	CITY OF AUSTIN	9500-9511 Night Jag Drive	From Interim "AA" 1st H&A To "AA" 1st H&A
115	PLANNING DEPT	9202-9501 Curlew Dr.	RECOMMENDED
		9202-9503 Marsh Drive	<u>GRANTED AS RECOMMENDED</u>
		2610-2903 Crownspoint	
		9300-9406 Canus Drive	
		2800-2805 Canus Cove	
		2700-2902 Firecrest Drive	
		2700-2705 Du-Pont Cove	
		2600-2606 Lindsey Cove	
		2600-2606 Gadwall Cove	
C14-84	CITY OF AUSTIN	8401 & 8408 Birmingham Drive	From Interim "AA" 1st H&A To "AA" 1st H&A
116	PLANNING DEPT.	8500-8501 Wessex Way	RECOMMENDED
		812-817 Great Britain Blvd., 8402-8511 Palace Parkway, 8400-8508 Cockney Drive, 710-805 Dulwich Street.	<u>GRANTED AS RECOMMENDED</u>
C14h-84	WEST AUSTIN FIRE COMPANY	1000-1004 Blanco	From "A" 1st H&A To "A-H" 1st H&A
002			RECOMMENDED
			<u>GRANTED AS RECOMMENDED</u>
C14h-84	ZIMMERMAN HOUSE	9019 Parkfield Drive	From Interim "A" 1st H&A To "A-H" 1st H&A
003	By Glyn D. Durham		RECOMMENDED
			<u>GRANTED AS RECOMMENDED</u>
C14-83	TOM JONES	Lakeshore Drive	From Interim "A" 1st H&A To "AA" 1st H&A
003.			RECOMMENDED
39			<u>GRANTED AS RECOMMENDED</u>
C14r-84	R.E. WOOLLEY, INC.	5901 I.H. 35 South	From "C" 3rd H&A To "C-2" 3rd H&A
086	By Richard C. Reed	923-1029 Clayton Lane	RECOMMENDED
			<u>GRANTED AS RECOMMENDED</u>
C14r-84	TRAMMELL CROW COMPANY	4140 Governor's Row	From Interim "AA" 1st H&A To "GR" 1st & "C-2" 2nd H&A
091	By David Bodenman		RECOMMENDED
			<u>GRANTED AS RECOMMENDED</u>

(On Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, 6-0 Vote, Councilmember Spaeth absent)

June 7, 1984

ZONING - (Continued)

C14-84 H.G. AUTREY
094

8304-8318 Burnet Rd.

From Interim "A", "C" &
"GR" 1st H&ATo "C" 1st H&A
RECOMMENDED Subject to dedi-
cation of up to 35' right-of-
way from centerline of Buell Ave.(On Mayor Pro Tem Trevino's motion, 6-0 Vote, Councilmember Spaeth
absent)C14-84 FIVE STAR ACRES
072 SUBDIVISION
By Barn Ballard4411-4177 E. St. Elmo
RoadFrom Interim "AA" 1st H&A
To "DL" 1st H&A
RECOMMENDED subject to
dedication of up to 40' of
right-of-way from center-
line of St. Elmo Road.
GRANTED AS RECOMMENDED(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second,
5-0 Vote, Councilmember Shipman voted NO, Councilmember Spaeth absent)C14 -84 JACK FRIEDMAN
076 By David B.
Ambrust

11713 Jollyville Rd.

From "AA" 1st H&A
To "O" 1st H&A
RECOMMENDED subject to
restrictive covenant prohi-
biting access to Rainforest.
GRANTED AS RECOMMENDEDC14 -84 PAL INVESTMENT
077 CORP.
By Al Brookshire4401-4419 Burleson
Road
3701-3703 Todd LaneFrom Interim "AA" 1st H&A
To "DL" 1st H&A
RECOMMENDED subject to
dedication of up to 60' of
right-of-way from centerline
of Todd Lane and 40' from
centerline Burleson Road.
GRANTED AS RECOMMENDEDC14 -84 DENNIS BAUERLE
081

6609 Manchaca Road

From "A" 1st H&A
To "O-1" 1st H&A
RECOMMENDED subject to
dedication of up to 45' of
r-o-w from centerline of
Manchaca Road and a 15' set
back from the east along
the residential area.GRANTED AS RECOMMENDED(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second,
6-0 Vote, Councilmember Spaeth absent)

ZONING - (Continued)

- C14 -84 ELLIOTT FLICK/
083 M. R. DODSON
By Elliott Flick 905 W. Oltorf St. From "B" 6th H&A
To "O-1" 1st H&A
RECOMMENDED subject to
45' of r-o-w from center-
line of Oltorf Street.
GRANTED AS RECOMMENDED
- C14 -84 TRAMMELL CROW 2100-2274 Braker Ln. From Interim "A" 1st H&A
087 By David C. 2010-2374 Kramer Ln. To "DL" 1st H&A
Boderman 10902-11308 Metric RECOMMENDED subject to
Boulevard dedication of right-of-way.
GRANTED AS RECOMMENDED
- C14 -84 R. E. & ANNETTE 2502-2512 Buell Ave. From Interim "A" 1st H&A
095 H. WESTBROOK To "C" 1st H&A
By Annette H. RECOMMENDED subject to
Westbrook dedication of up to 35'
of r-o-w from centerline
of Buell Avenue.
GRANTED AS RECOMMENDED
- C14 r-84 CFC HARDIN JOINT 8627 MoPac Expressway From "GR" 1st H&A
110 VENTURE North To "O-1" 2nd H&A
By Charlie B. RECOMMENDED (as amended)
Graves, Jr. subject to site plan
approval.
GRANTED AS RECOMMENDED
- C14-84 SALLIE N. BENNETT 3905 Manchaca Road From "A" & "O" 1st H&A
039 & DON WICKER 3912 Valley View Rd. To "EB" 1st H&A
By Jean Bringol RECOMMENDED "EB" 1st H&A
with no access on Valley
View, subject to dedica-
tion of up to 45' right-
of-way from centerline of
Manchaca and up to 30'
from the centerline of
Valley View Road.
GRANTED AS RECOMMENDED

(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second,
6-0 Vote, Councilmember Spaeth absent)

ZONINGS - (Continued)

C14 -84 GLENN SYNNOIT 6100-6306 Bolm Road From "GR" 1st H&A
 092 By J. M. Rose 1100-1113 Gardner Rd. To "D" 1st H&A
 Company RECOMMENDED "D" 1st H&A
 subject to 20' setback
 from single-family
 residences, all machinery
 is to be enclosed within
 a structure, no access to
 Gardner, tied to site plan.
 Property owners listed on
 petition of May 1, 1984
 must be notified when
 site plan is considered
 by Planning Commission.
 and City Council.

GRANTED AS RECOMMENDED

(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second,
 5-0 Vote, Councilmember Rose abstained, Councilmember Spaeth absent)

C14 -84 LEE HOUSTON 700 Vargas Road From "B" 1st H&A
 089 By John D. Ewald To "LR" 1st H&A
 RECOMMENDED "LR" 1st H&A
 restricted against
 video games and pin ball
 machines.
GRANTED AS RECOMMENDED

C14 -84 NHS HOME, INC. 4825 E. Riverside From "A" 1st H&A
 098 By T. J. Norton Drive To "O" 1st H&A
 RECOMMENDED "O" 1st H&A
 noting that use must be
 utilized by NHS Homes
 only and existing
 structure is to be
 retained, and dedication
 of up to 60' right-of-
 way from centerline of
 Riverside Drive.
GRANTED "O-1" 1st H&A

Marie Gaines, Land Development, stated "The applicant has amended their request to "O-1" 1st H&A. This would delete the need for restricting the use to NHS Homes which may be of questionable legal implications and he's agreed to "O-1" 1st H&A subject to right of way dedication."

June 7, 1984

ZONING - (Continued)

C14 r-84 107	SOUTHWEST AUSTIN LTD, PARTNERSHIP By Stephen Walker	5125-5607 East Ben White Boulevard 3400-3600 Judson Rd. 5406-5606 Burleson Road	From Interim "AA" 1st H&A To "DL" 2nd H&A RECOMMENDED "DL" 2nd H&A with an 85' setback of "DL" 1st H&A around the perimeter of the tract, subject to agreements made by applicant: dedication of up to 40' of right-of-way from the centerline for Burleson Road, 80' of right-of-way on Judson Road and items noted in attached drive- way agreement and T.I.A. <u>GRANTED AS RECOMMENDED</u>
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(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second,
6-0 Vote, Councilmember Spaeth absent.)

C14 -84 082	A.E.MASSENGALE, JR.	2810-2816 Manor Rd. 3301-3303 Randolph Road	From "O" 1st & 2nd H&A To "GR" 1st H&A NOT RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 -84 040	WALTER E. JOHNSON By John Robertson	614 & 616 Baylor	From "A" 1st H&A To "C" 1st H&A NOT RECOMMENDED <u>GRANTED AS RECOMMENDED</u>

(On Councilmember Shipman's motion, Councilmember Duncan's second,
6-0 Vote, Councilmember Spaeth absent.)

C14 r-84 109	TRAMMELL CROW COMPANY By David C. Boderman	1849 Director's Boulevard	From Interim "AA" 1st H&A To "GR" 4th H&A <u>GRANTED AS RECOMMENDED</u>
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EMERGENCY PASSAGE OF ORDINANCE

(On Councilmember Urdy's motion, Mayor Mullen's second, 6-0 Vote,
Councilmember Spaeth absent)

ZONING - (Continued)

C14 -82 TEXAS COMMERCE 3413 Northland Dr.
 131 BANK
 By Hank Gallagher

RECOMMENDED EXTENSION
GRANTED EXTENSION

(On Councilmember Urdy's motion, Mayor Mullen's second, 6-0 Vote,
 Councilmember Spaeth absent.)

C14 r-84 JOHN T. MAHONEY/ Capital of Texas
 079 O.V. BENNETT, JR. Hwy. & Cedar St.
 By James M. Rose

From Interim "AA" 1st H&A
 To "O-1" 2nd H&A
RECOMMENDED
GRANTED AS RECOMMENDED

Councilmember Rose stated he will abstain from voting on this case because he owns an interest in the water system that will serve the proposed building and also because a relative of his has a financial interest.

Marie Gaines reviewed by means of slides. She stated the applicant has agreed to a joint use driveway agreement with the adjacent property owner. Traffic impact analysis has identified the need for some road improvements which they have agreed to and the Commission felt that this subject site along with the proposed site plan for an office complex and parking facility met the provisions of the Loop 360 Ordinance and recommends to you "O-1" 2nd H&A subject to the agreements as made in the driveway agreement and the ordinance requirements and staff recommendations as they apply to the site plan.

Councilmember Shipman said, "A signal is going to be necessary at this intersection because of the intensity of development that is taking place on Loop 360 and we need to know we are creating an extension of Ben White Blvd. with all of these signals it is going to be stop and go on the entire loop and we need to be cognizant of that. I have no problems with the "O-1" zoning on Loop 360 but this is a 20 acre tract that goes back into the neighborhood and they are single family detached houses on large acre lots. I am concerned about buffering and what steps can be taken to mitigate the fact of this project on the back side of the neighborhood, not the appropriateness of the zoning on Loop 360." She asked staff to report back to Council on the possibility of extending the City's annexation for limited purpose back to Bunny Run. She said as they look at the projects fronting on Loop 360 there also needs to be concern what is in back of them when it abuts a residential neighbor.

(On Mayor Pro Tem Trevino's motion, Councilmember Duncan's second,
 5-0 Vote, Councilmember Rose abstained, Council-
 member Spaeth absent.)

ZONING - (Continued)

C14h-84 DEMPSEY HOUSE 700 E. 44th Street From "A" 1st H&A
 004 By Kim Alan Williams To "A-H" 1st H&A
 RECOMMENDED
GRANTED AS RECOMMENDED

Mayor Mullen said, "This item bothers me because the Historical Landmark Commission did not recommend this."

Kim Williams, applicant, showed slides. He said the property is steeped in history, back to the 1840's and reviewed its history. He said the Landmark Commission did not vote in the negative, it was a tie vote.

Mayor Mullen expressed concern by saying "I have a concern about beginning a trend to try and zone property historical to try and preserve and area when the property really is questionable about its being historical. If this structure is zoned historical then there are a lot of other structures in the City that should be zoned historical."

Councilmember Rose said this type of zoning just has to be done case by case.

(On Mayor Pro Tem Trevino's motion, Mayor Mullen's second, 6-0 Vote, Councilmember Spaeth absent.)

C14 -84 REG E. BRITTIAN/ 1010-1014 West Mary From "A" 1st H&A
 090 MARCH WILLIAMS 1807-1811 S. 6th St. To "O-1" 1st H&A
 By Reg E. Brittian RECOMMENDED (as amended)
 subject to 35 feet of
 r-o-w from the centerline
 of South 6th and West Mary.
GRANTED AS RECOMMENDED

Marie Gaines, Land Development, told Council the applicant has agreed to a 5' right-of-way easement on South 6th and dedication of right-of-way on West Mary.

Reg E. Brittian, applicant, stated he is in agreement with the above.

(On Councilmember Shipman's motion, Mayor Mullen's second, 5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Spaeth absent)

ZONING - (Continued)

C14-84 093	BASIS R. SMITH & & LARS W. BANG VENTURE By James Barber, Jr.	1161-1181 Airport Boulevard 3301-3309 Pennsyl- vania Avenue	From "E" & "A" 1st H&A To "O-1" & "GR" 1st H&A RECOMMENDED "GR" 1st H&A for the building footprint & area within a 5' radius of the building footprint, & grant "O-1" 1st for remain- der of site which would be used for parking. Access to Pennsylvania Ave. from/to the site is restricted.
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GRANTED AS RECOMMENDED WITH NO ACCESS
TO PENNSYLVANIA AVENUE

(On Councilmember Urdy's motion, Mayor Pro Tem Trevino's second,
6-0 Vote, Councilmember Spaeth absent.)

C14-83 299	CITY OF AUSTIN	4041-4021 Kandy Dr. 3916-4616 McCarty Ln. also bounded by Wm. Cannon, Glasgow Dr. & Wm. Burns Drive 5803-6703 Convict Hill Road, 6600-6804 Beckett Road, 5401- 5907, 5202-5906 McCarty Lane, 6202- 6310, 6203-6309 Smith Oak Trail, 5214-5310, 5215-5309 Summerset Trail, 5204-5212, 5207-5211 Maulding Pass, 6529-6569, 6524- 6554 Fair Valley Trail 5300-5406, 5301-45409 Honey Dew Terrace, 6303- 6415, 6302-6422 Steer Trail and all of Ridge Oak Road, Reynolds Road, Westview Road, Badger Bend, Wolf Run, Rapture Cove & Honey Dew Court	From Tr. 1-5 Interim "A" 1st H&A To Tr. 1-3 "AA" 1st H&A Tr. 4 "BB" 1st H&A Tr. 5 "SR" 1st H&A RECOMMENDED "AA" 1st H&A for Tracts 1, 2 & 3, "BB" 1st H&A for Tract 4 and "SR" 1st for Tract 5. Noting the exclusion of a 30+ acre section and a 80+ acre section (Part of the Meadows of Travis Oaks). <u>GRANTED AS RECOMMENDED</u> <u>except Forest Oaks Funeral</u> <u>Home 6 acre tract - zone</u> <u>"A" on building footprint,</u> <u>"O" on parking lot and "AA"</u> <u>on the remainder in 60 days</u> <u>if applicant does not come</u> <u>back with a plan.</u>
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Marie Gaines reviewed the tract which consists of 551 acres of land in South Austin. She said Tom Curtis appeared at the Planning Commission meeting and requested exclusion of property he represents

ZONING - (Continued)

because plans are currently underway. "Subject tracts recommended to you for exclusion include an 88 acre tract that is south and a 30 acre tract in this area here (pointed to map). Since the action we have received a request from the property owner along Convict Hill who owned the 6 acre tract within Tract 3. The Commission felt that the owner represented by Tom Curtis should have his property excluded and recommended a 30 acre site and an 80 acre site be excluded from Tract 3. The owner of the third property, which is a 6 acre tract on Convict Hill, is requesting "C" commercial zoning for the existing mausoleum."

Sharon Leggett, representing Forest Oaks Funeral Home and Cemetery, told Council that part of the zoning recommended for "AA" includes their business located there which consists of a funeral home and cemetery which has been in operation since 1954. They request that six acres of the 46 acres be zoned for the use of a funeral home under "C" commercial because that is what the laws of Austin require. She said the re-zoning of the cemetery is not necessary but wants the other re-zoning so they can continue with their business.

Ted Miller, representing Beckett Estates and McCarty Lane Neighborhood Association, said they want additional restrictive covenants. He said they are surrounded on the south by "A" zoning, which he understands will be duplexes, and have a church on one side but apartments are going to be built between the church and his neighborhood. On the west side exemption is being requested on tract C and B. Commercial and higher density is proposed for this area so the neighborhood of Convict Hill plus their neighborhood will be split down the middle. They support the request on the funeral home.

Councilmember Shipman said she does not favor zoning the 6 acre tract "C" for the funeral home because in future years the use may be changed to something not compatible with the neighborhood. Mayor Mullen suggested they zone the footprint "C" and leave space around it "AA".

Motion

Councilmember Rose made a motion to zone footprint "C", "O" office for the existing parking lot and the rest "AA" for the six acres.

Sharon Leggett told Council, "If you are not willing to go "C" commercial for the six acres we are using I think we want it excluded and we will come back with complete plans so it can be properly zoned. I still think it should go commercial because that is what is there." Mayor Mullen said we are going to do that but just to what is there.

ZONING - (Continued)

Andy Schlosser asked "Can you zone the footprint commercial and zone the parking area "O" and exclude the remainder instead of zoning it "AA"?"

Mayor Mullen said Council can exclude the remainder for 60 days to allow the funeral home to come back with a plan. He said the plan must go before the Planning Commission. Mayor Mullen said the land will be zoned "AA" permanently if the applicant has not come back with a plan to revise it.

Motion Withdrawn

Councilmember Rose withdrew his motion.

Motion

The Council, on Mayor Pro Tem Trevino's motion, approved "C" on the building footprint, "O" on the parking lot that is now in existence, "AA" on the remainder of the acreage in 60 days; if applicant comes back with a plan in 60 days they do not have to pay fees and go through all the processes they would have to if zoned permanent "AA" today; the rest of the property to be zoned as recommended by the applicant, the City of Austin. (6-0 Vote, Councilmember Spaeth absent.)

C14 -84 JOHN P. SCHNEIDER 3703 Speedway
099 By T. J. Morton

From "B" 2nd H&A
To "O" 1st H&A
RECOMMENDED "O" 1st H&A
limited to existing
structure, noting that
site plan will be
required in the event
a new structure is
constructed.

GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Councilmember Rose's second,
6-0 Vote, Councilmember Spaeth absent.)

-84 MARY C. TORRES 6101 Sheridan Ave.
073 By Thomas W. Remley

From "A" 1st H&A
To "O" 1st H&A
NOT RECOMMENDED

GRANT "O" 1st H&A WITH DEDI-
CATION OF UP TO 35' OF RIGHT-OF-WAY FROM
CENTER LINE ON SHERIDAN AVENUE

(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second,
6-0 Vote, Councilmember Spaeth absent.)

ZONING - (Continued)

Zoning Cases Postponed

Council postponed the following zoning applications:

C14-83	CITY OF AUSTIN	2705 Westlake Drive	From Interim "A" & Interim "LA" & "A" 1st H&A
003			To "A" 1st H&A
.38			NOT RECOMMENDED
			RECOMMENDED "AA" 1st H&A

POSTPONED TO JUNE 14, 1984 @ 1:32 P.M.

C14-83	PHI GAMMA	3105 Westlake Drive	From "A" & Interim "LA" 1st H&A
003	DELTA, TRUSTEES		To "C-2" 1st H&A
.33	By John Meinrath		NOT RECOMMENDED
			RECOMMENDED "LA" 1st H&A

POSTPONED TO JUNE 14, 1984 @ 1:31 P.M.

C14r-83	STEVEN R. SCOTT	12316 I.H. 35 North	From Interim "AA" 1st H&A
270	By John M. Joseph		To "C" 3rd H&A
			RECOMMENDED (as amended)
			<u>INDEFINITE POSTPONEMENT</u>

(On Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, 6-0 Vote, Councilmember Spaeth absent.)

C14 r-84	VERNON CAPITAL CORPORATION	8931-8969 Research Boulevard	From Interim "A" 1st H&A
052	By T. J. Morton		To Tr. 1 "O" 1st H&A
			Tr. 2 "GR" 1st H&A
			Tr. 3 "O" 2nd H&A
			Tr. 4 "GR" 1st H&A
			RECOMMENDED

POSTPONED TO JUNE 28, 1984 @ 4:00 P.M.

C14-84	RANDY MORINE	10608 Morado Circle	From Interim "AA" 1st H&A
104	By Robert W. Jackson		To "BB" 1st H&A
			RECOMMENDED

PUBLIC HEARING CLOSED, ACTION 6/28 @ 4 P.M.

(On Councilmember Shipman's motion, Mayor Mullen's second, 6-0 Vote, Councilmember Spaeth absent)

ZONING - (Continued)

Case Withdrawn

C14h-83 T. P. ROBINSON 1601 East 1st Street From "C" 2nd H&A
 030 HOUSE To "C-H" 2nd H&A
 By City of Austin RECOMMENDED

CITY REQUESTED WITHDRAWALImproper Notification

C14 -83 O. D. KENDRICK & 7002-7004 Manchaca From "A" 1st H&A
 335 CURTIS BAGGE 2000-2002 Mimosa To "O-1" 1st H&A
 By Lawrence D. NOT RECOMMENDED
 White Assn.

CASE NOT HEARD DUE TO IMPROPER NOTIFICATION

PUBLIC HEARING - APPEALS OF BUILDING STANDARDS
 COMMISSION APPROVAL OF RELOCA-
 TION PERMITS

Mayor Mullen opened the public hearing set for 4:15 p.m. on appeals of the Building Standards Commission approval of relocation permits for the following structures:

- a. 1200 Baylor Street
- b. 1202 Baylor Street
- c. 1201 Castle Hill Street
- d. 1203 Castle Hill Street
- e. 1205 Castle Hill Street

Lonnie Davis, Director of Building Inspection, told Council a request was made on April 25 by the owner of the property, Mr. Joe Waring, to relocate the five structures listed above. The request to the Building Standards Commission was to relocate the five structures outside of the City limits. The principle question considered by the Commission was, if the structures were safe to move across the streets and could they be rehabilitated to comply with all applicable ordinances and would they be compatible with the neighborhood. The fact that they are going to be moved outside the City removes the last two questions. So, Mr. Davis said, the only question before the Building Standards Commission was were they safe to move across the street. The Commission did vote to recommend approval on a 6-2-1 vote.

APPEALS HEARING - (Continued)

Councilmember Duncan asked, "What is the status of the court case on this?" Paul Isham, City Attorney, said, "It is my understanding there has been another agreed temporary restraining order entered into the case but would not prevent the City from considering this particular matter."

Daphne Daniel, 1202 Castle Hill, read a letter which had been delivered to Council, asking that the requested relocation permits should not be issued and cited the errors she believes have been committed in the application for the relocation permits. She said the validity of site plan approval is currently at issue in a lawsuit in a State District Court.

Bill Ikard, representing the applicant, discussed the lawsuit. He said Judge Lowrey denied an application for temporary injunction by the applicants based on fact there is no showing of irrevocable harm. "At this moment my client is in possession of five demolition permits which were issued this afternoon and are in no way limited to the temporary restraining order that related only to the existing permits issued in October 1983." He also discussed the validity of the site plan.

Councilmember Urdy said he cannot understand the issuance of demolition permits in light of the moratorium and asked if they had just been issued today. Mr. Davis, Director of Building Inspection, said they had originally been issued in October, 1983. "Since there was some question raised as to the validity of those permits, the new owner, Mr. Joe Waring, came in Monday after the court hearing and requested additional permits for demolition which were issued this afternoon after 4:00 p.m.The moratorium is based on, until you get an approved site plan. It has been the staff position that we do in fact have an approved site plan which sets aside the moratorium and authorized the issuance of either a demolition permit or a move off permit. ... The appellants are raising a question about the site plan but the site plan in the staff's opinion has been reviewed by the City Attorney's office. We feel it is a valid site plan. ...The sign-off of the site plan occurred seven days after the ordinance was passed and the site plan was signed off on January 26, 1984, but there were overriding concerns as to why it was signed-off seven days late. The Water and Wastewater Department was reviewing the proposed development as to whether or not they needed an increase in the water and sewer lines going up to the project and was having to review it from a mechanical standpoint and the serving with water and wastewater, which was one of their charges. The Water and Wastewater did not immediately sign off on it at that time, it was seven days later and it is our determination and the City Attorney's determination that the process was in motion, that is was a valid site plan and that we support it."

APPEALS HEARING - (Continued)

Discussion followed. Walt McCool, Assistant City Attorney, stated, "The Court will still make that decision in regard to the permits that have been issued previously." Mr. Ikard underscored what Mr. McCool said. Mr. Davis stated, "The Courts did not make any determination Monday that would stop or preclude us from issuing new demolition permits which we issued at 4:00 this afternoon. Mr. Ikard has indicated they will be out there early in the morning demolishing the structures, which will occur prior to any court disposition as to the validity of the site plan. So I just wanted to make the Council aware of what we will be confronted with in the morning."

Mayor Mullen asked if appellants knew this was the other alternative and that demolition permits had been issued. Councilmember Duncan said, "There is no appeal process for demolition permits?" Mr. Davis said, "No, sir."

Councilmember Shipman said she thinks this matter should be continued at a later date. Councilmember Urdy agreed.

Motion

Councilmember Urdy made a motion to postpone action on this item until determination is made. Councilmember Duncan seconded the motion (With the full realization this will be a moot point by tomorrow afternoon.)

Mayor Mullen said he does not know why they sit & talk about preserving old houses for the poor, etc. and then have five old homes we will not allow to be moved. That is not consistent. "They are all going to be torn down and it will not change the process one iota, not one single point will change and yet we sit here and say because of our convictions of what could have and should have and maybe might have happened, whether or not to allow these houses to be moved. They may be moved either a house at a time or a stick at the time, but they are going to be moved and this action will not stop them from being moved. It is just how they are going to be moved. Either they are going to be trucked out in junk or they are going to be trucked out as a complete home."

Mayor Pro Tem Trevino said the irony of it all is we know, if this is postponed, what the fate of the houses will be. I think it would be tragic to take that action in having the houses demolished and later on the court would rule that everything had been in compliance with existing ordinances and policies. I don't know if I'm willing to take that chance.

Councilmember Duncan stated, "If it turns out to be an illegal demolition or approval, I don't want to be in the position of approving it." Mayor Mullen said it will only be as illegal as this Council

APPEALS HEARING - (Continued)

determines, basically, because we are the ones that passed the law. That is what I think is interesting. We set in motion moratoriums, we set in motion grandfather clauses.....

More discussion.

Paul Isham, City Attorney, stated, "It was the staff's position when this first came up that the applicant had complied with all the ordinances as they existed at that time and that he is in a proper position to go forward with demolition, relocation, reconstruction. We had a previous case before the Council and Council took no action because of that reason and effectively the adjoining neighbors were told if they were going to stop the project they would have to do so through a court action and have the court interpret that the staff's interpretation of the applicants processes was erroneous and a lawsuit was filed. The fact that the judge has not enjoined the City from either allowing a relocation permit to be issued or issuing demolition permits is an indication from the court, for whatever reasons, whether it's been improper readings, lack of proof, or whatever, that the landowners have not been able to meet a burden as of this date that would show to the court so that he would enjoin the city so the city interpretation of the ordinance is erroneous. Maybe at the final hearing he will determine that, adverse to the City, but in the meantime, and I'm sure he recognizes the fact, that certain things can happen that will make the whole question moot. They have their demolition permits and they can demolish but they would prefer to relocate. If at the final hearing the judge determines the staffs interpretation of the ordinance is wrong, we have that as a court holding, but it seems to me the damage has been done because the building probably would have been demolished at this point.The only decision for the Council tonight is to see whether the buildings should be demolished or relocated. I can't see how you can stop one or the other from happening by any other action, through continuance or asking that it be placed on a later agenda for re-consideration or re-writing the ordinance or taking out the grandfather clause or any other type of action you want to consider. It really won't affect what is going to happen in this case."

More discussion.

Mayor Pro Tem Trevino said he is willing to vote to allow the houses to be moved, but instead of out of town, allow the City staff to see if the structures will be compatible with some of the areas in Clarksville, Guadalupe or Rainey Street.

Joe Waring, owner of the houses, said he has a lady who lives in Elgin who wants to buy one house.

APPEALS HEARING - (Continued)

Mr. Davis reminded Council that if the houses are to be moved then signs must be posted at locations where structures will be moved to, notify the people in the area and give the Building Standards Commission an opportunity to hear that end.

Councilmember Duncan said, "The real question is the site plan. I really do not believe that the judge is going to decide on whether or not that site plan is valid after looking at all of the merits of the case and the process of the City and all he's going to make that decision based on our relocation permits, I just don't believe he will do that and that we will not prejudice his decision. We can handle that by stating clearly that this decision in no way verifies on our part the validity of that site plan. That is not the question before this Council and is not the vote we are taking and put in the record that this motion and decision does not in any way indicate our position on the validity of that site plan. We often, in other cases, say this shall have no precedential value, etc. We can do the same thing with this. Just place it in the record this should not influence not only the judge but any of our future decisions on this. What I come down to is I would like very much to support the neighborhood position on this but the situation has really changed since the appeal was made and I can see no advantage to the neighborhood for denying the relocation permit. I can find no way that it benefits your position in court or benefits whether or not the site plan process under the new ordinance is adhered to. The reality is we really are looking at whether the buildings are torn down or moved."

Second to Motion Withdrawn

Councilmember Duncan withdrew his second.

Second to Motion

Councilmember Shipman seconded Councilmember Urdy's motion to postpone action until determination is made.

Substitute Motion - Died for Lack of Second

Mayor Pro Tem Trevino offered a substitute motion to approve the relocation of the structures as listed. Motion died for lack of a second.

Roll Call on Motion

4-2 Vote, Mayor Mullen and Mayor Pro Tem Trevino voted No, Councilmember Spaeth absent

PUBLIC HEARING - RECYCLING CENTERS

Mayor Mullen opened the public hearing set for 4:30 p.m. on an amendment to Chapter 13-2 (Zoning Ordinance) of the Austin City Code to allow recycling centers in "DL" and "D" zoning districts.

Marie Gaines, Land Development, introduced the hearing and said the amendment was initiated in conjunction with the Public Works Department and Engineering Department along with Ecology Action of Austin to establish a multi-material buy-back and recycling and information center. Some site development regulations are included in the amendment to insure this use is compatible within the district and to adjoining districts because it is an intense use.

No one appeared to be heard.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 (Zoning Ordinance) of the Austin City Code to allow recycling centers in "DL" and "D" zoning districts. (5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Spaeth absent)

SUPPLEMENTAL AMENDMENTS

The Council, on Councilmember Urdy's motion, Councilmember Duncan's second, adopted resolutions approving the following supplemental amendments:

- a. In the amount of \$40,000.00 to the Professional Services Agreement, dated March 2, 1984, between the City of Austin and C.T. Main, Inc., in connection with the Electric Power Generation Alternatives Assessment and Potential Power Generation Facilities Preliminary Site Studies, for the Electric Department.
- b. CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$42,500.00 to the Professional Services Agreement between the City of Austin and Harland Bartholomew & Associates, Inc., dated October 6, 1983, for the West Enfield Zone 1 & 9-10 Swimming Pool Improvements. C.I.P. No. 83/86-19
- c. CAPITAL IMPROVEMENTS PROGRAM.- In the amount of \$90,000.00 to the Professional Services Agreement, between the City of Austin and Freese Nichols, Inc., dated April 30, 1974, for the Onion Creek Wastewater Interceptor Extension from existing Boggy Creek South and Boggy Creek South Wastewater Interceptor from Onion Creek Easterly to existing Boggy Creek South Interceptor (I.H. 35 South). C.I.P. Nos. 73/23-26 & 83/23-09

AID-URBAN SYSTEMS & BOUNDARY

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, adopted a resolution approving the Austin Federal Aid-Urban System and Urban Area Boundary. (5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Spaeth absent.)

GOLF COURSE

The Council, on Councilmember Urdy's motion, Councilmember Duncan's second, adopted a resolution approving a Lease Agreement with Austin Community College for use of golf course located at 5712 East Riverside Drive, known as the Old Austin Country Club Golf Course. (5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Spaeth absent.)

FANNIE DAVIS TOWN LAKE GAZEBO

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, adopted a resolution naming the Town Lake Gazebo the Fannie Davis Town Lake Gazebo.

INTERIM BOARD APPOINTED

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, approved appointment of David Bodenman, David Dobbs and Ann Karn to the Austin Area Rapid Transit Authority Interim Board Citizens' Advisory Committee. (5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Spaeth absent.)

ADJOURNMENT

Council adjourned its meeting at 9:24 p.m.